

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION OPIATE  
LITIGATION**

**This document relates to:  
THE MUSCOGEE (CREEK) NATION,**

**PLAINTIFF,**

**v.**

**PURDUE PHARMA L.P.; PURDUE PHARMA INC.;  
THE PURDUE FREDERICK COMPANY; ENDO HEALTH  
SOLUTIONS INC.; ENDO PHARMACEUTICALS INC.;  
ACTAVIS LLC; ACTAVIS PHARMA, INC.; ALLERGAN  
FINANCE LLC; WATSON LABORATORIES, INC.; TEVA  
PHARMACEUTICALS USA, INC.; AMNEAL  
PHARMACEUTICALS, INC.; KVK-TECH, INC.;  
MCKESSON CORPORATION; CARDINAL HEALTH, INC.;  
CARDINAL HEALTH 110, LLC; AMERISOURCEBERGEN  
CORPORATION; AMERISOURCEBERGEN DRUG  
CORPORATION; MORRIS & DICKSON CO., LLC;  
WALGREENS BOOTS ALLIANCE, INC.; WALGREEN CO.;  
WAL-MART STORES, INC.; SAJ DISTRIBUTORS; GCP  
PHARMA LLC; ANDA PHARMACEUTICALS, INC.; ANDA,  
INC.; OMNICARE DISTRIBUTION CENTER LLC; SMITH  
DRUG COMPANY; THE HARVARD DRUG GROUP, LLC;  
PHARMACY BUYING ASSOCIATION; H.D. SMITH, LLC;  
CVS HEALTH CORPORATION; CVS PHARMACY INC.;  
OKLAHOMA CVS PHARMACY, LLC; THE DRUG  
WAREHOUSE; MAY'S DRUG STORE; REASOR'S LLC;  
MED-X CORPORATION; ECONOMY DISCOUNT  
PHARMACY; ECONOMY PHARMACY, INC.; ECONOMY  
PHARMACY EXPRESS; CITY DRUG CO.; CITY DRUG OF  
COWETA, INC.; SPOON DRUGS, INC.; CAREFIRST  
PHARMACY, INC.; CITYPLEX PHARMACY; COUCH  
PHARMACY ON SHERIDAN; ERNIE'S PHARMACY &  
WELLNESS CENTER, INC.; FREELAND BROWN  
PHARMACY, INC.; GADDY DISCOUNT DRUG, INC.;  
GETMAN-APOTHECARY SHOPPE, INC.; LANGSAM  
HEALTH SERVICES, LLC; M & D STAR DRUG, INC.; MED-  
ECON DRUG, INC.; OLYMPIA PHARMACY; PIPPENGER  
PHARMACIES LLC; AND ROGERS DRUG CO. INC.,**

**DEFENDANTS.**

**MDL No. 2804**

**Master Docket No.:  
1:17-MD-02804-DAP**

**Hon. Judge Dan A. Polster**

**Case No.: 1:18-op-45459-  
DAP**

**JURY TRIAL  
DEMANDED**

**ENDO HEALTH SOLUTIONS INC. AND ENDO PHARMACEUTICALS INC.’S  
ANSWER AND AFFIRMATIVE DEFENSES TO  
PLAINTIFF’S FIRST AMENDED COMPLAINT**

Defendants Endo Health Solutions Inc. and Endo Pharmaceuticals Inc. (collectively, “Endo”), by and through counsel, hereby answer Plaintiff’s First Amended Complaint (the “Complaint”). Except to the extent expressly admitted herein, Endo denies each and every allegation of the Complaint, including any allegations contained in its headings, which are copied herein solely for ease of reference, or footnotes. With respect to any purported document cited to or quoted from in the Complaint, by providing its answer here, Endo does not admit that the documents are accurate, relevant or admissible in this action, and Endo reserves all objections regarding admissibility. With respect to the specific paragraphs of the Complaint, Endo responds as follows:

**ANSWER TO PREFATORY PARAGRAPH:** Endo admits that the Muscogee Nation filed a Complaint against the named defendants. Except as expressly admitted, Endo denies that any factual or legal basis exists for any of the claims against Endo in this action and denies that Plaintiff is entitled to any relief. Endo lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in the prefatory paragraph of the Complaint and denies them on that basis.

**INTRODUCTION**

**ANSWER TO PARAGRAPH 1:** Endo admits that prescription opioid medications include both branded and generic medications and can help manage pain when used as intended in appropriate patients. Endo further admits that prescription opioid medications expose users to the risks of addiction, abuse, and misuse, which can lead to overdose and death. This paragraph purports to characterize the FDA-approved labels for prescription opioid medications which

speak for themselves, and Endo denies Plaintiff's characterization of them. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 1 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 2:** Endo denies any insinuation that increased levels of abuse are attributable to the use of prescription and opioid medications. Paragraph 2 of the Complaint purports to characterize CDC data which speaks for itself, and Endo denies Plaintiff's characterization of it. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 2 and denies them on that basis.

**ANSWER TO PARAGRAPH 3:** Endo denies the allegations in Paragraph 3 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 4:** Endo denies the allegations in Paragraph 4 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 5:** Endo denies the allegations in Paragraph 5 of the Complaint to the extent they refer to Endo and its purported conduct. Further, Paragraph 5 purports to characterize certain publications which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 5 and denies them on that basis.

**ANSWER TO PARAGRAPH 6:** Paragraph 6 of the Complaint purports to characterize certain publications which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 6 and denies them on that basis.

**ANSWER TO PARAGRAPH 7:** Paragraph 7 of the Complaint purports to characterize certain publications which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 7 and denies them on that basis.

**ANSWER TO PARAGRAPH 8:** Endo admits that diversion occurs when prescription opioid medications are transferred from a legitimate channel to an illegitimate one, among other ways. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 8 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 9:** Endo admits that manufacturing and packaging are part of the legitimate supply chain for prescription opioid medications and that manufacturers may sell prescription opioid medications to distributors. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 9 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 10:** The allegations in Paragraph 10 of the Complaint contain legal conclusions and arguments that require no answer. To the extent an answer is required, Endo denies Plaintiff's characterization of the terms "diversion" and "suspicious orders."

**ANSWER TO PARAGRAPH 11:** The allegations in Paragraph 11 of the Complaint contain legal conclusions and arguments that require no answer. To the extent an answer is required, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 and denies them on that basis.

**ANSWER TO PARAGRAPH 12:** The allegations in Paragraph 12 of the Complaint contain legal conclusions and arguments that require no answer. To the extent an answer is required, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12 and denies them on that basis.

**ANSWER TO PARAGRAPH 13:** Paragraph 13 of the Complaint purports to characterize a study and writing which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 13 and denies them on that basis.

**ANSWER TO PARAGRAPH 14:** Paragraph 14 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14 and denies them on that basis.

**ANSWER TO PARAGRAPH 15:** The allegations in Paragraph 15 of the Complaint contain legal conclusions and arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 15 to the extent they refer to Endo and its purported conduct. Further, Paragraph 15 of the Complaint purports to characterize data which speaks for itself, and Endo denies Plaintiff's characterization of it. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 15 and denies them on that basis.

**ANSWER TO PARAGRAPH 16:** Paragraph 16 of the Complaint purports to characterize a writing which speaks for itself, and Endo denies Plaintiff's characterization of it. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 16 and denies them on that basis.

**ANSWER TO PARAGRAPH 17:** Paragraph 17 of the Complaint purports to characterize a writing which speaks for itself, and Endo denies Plaintiff's characterization of it. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 17 and denies them on that basis.

**ANSWER TO PARAGRAPH 18:** Endo denies the allegations in the first sentence of Paragraph 18 to the extent they refer to Endo and its purported conduct. Paragraph 18 of the Complaint purports to characterize certain writings which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 18 and denies them on that basis.

**ANSWER TO PARAGRAPH 19:** Paragraph 19 of the Complaint purports to characterize a writing which speaks for itself, and Endo denies Plaintiff's characterization of it. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 19 and denies them on that basis.

**ANSWER TO PARAGRAPH 20:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 21:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 21 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 22:** The allegations in Paragraph 22 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies any insinuation that Plaintiff is entitled to any relief from Endo and lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 22 and denies them on that basis.

**ANSWER TO PARAGRAPH 23:** Endo denies that any factual or legal basis exists for any of the claims against Endo in this action and denies that Plaintiff is entitled to any relief. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 23 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 24:** Endo denies that any factual or legal basis exists for any of the claims against Endo in this action and denies that Plaintiff is entitled to any relief. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 24 of the Complaint and denies them on that basis.

## **PARTIES**

### **I. PLAINTIFF**

**ANSWER TO PARAGRAPH 25:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 26:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 26 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 27:** Endo admits that the Nation brought this action. Endo denies that it engaged in any improper conduct, denies that any factual or legal basis exists for any of the claims against Endo in this action, and denies that Plaintiff is entitled to any relief. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 27 and denies them on that basis.

## **II. DEFENDANTS**

### **A. Marketing Manufacturer Defendants**

**ANSWER TO PARAGRAPH 28:** Paragraph 28 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28 and denies them on that basis.

**ANSWER TO PARAGRAPH 29:** Paragraph 29 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29 and denies them on that basis.

**ANSWER TO PARAGRAPH 30:** Paragraph 30 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30 and denies them on that basis.



**ANSWER TO PARAGRAPH 31:** Endo admits that Endo Health Solutions Inc. was incorporated under the laws of the State of Delaware and is based in Pennsylvania. Except as expressly admitted, Endo denies the allegations in Paragraph 31 of the Complaint.

**ANSWER TO PARAGRAPH 32:** Endo admits that Endo Pharmaceuticals Inc. is incorporated under the laws of the State of Delaware and is based in Pennsylvania. Except as expressly admitted, Endo denies the allegations in Paragraph 32 of the Complaint.

**ANSWER TO PARAGRAPH 33:** Paragraph 33 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 33 and denies them on that basis.

**ANSWER TO PARAGRAPH 34:** Paragraph 34 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34 and denies them on that basis.

**ANSWER TO PARAGRAPH 35:** Paragraph 35 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 35 and denies them on that basis.

**ANSWER TO PARAGRAPH 36:** Paragraph 36 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 36 and denies them on that basis.

**ANSWER TO PARAGRAPH 37:** Paragraph 37 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37 and denies them on that basis.

**ANSWER TO PARAGRAPH 38:** Paragraph 38 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38 and denies them on that basis.

**ANSWER TO PARAGRAPH 39:** Paragraph 39 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39 and denies them on that basis.

**ANSWER TO PARAGRAPH 40:** The allegations in Paragraph 40 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 40 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40 to the extent they refer to other defendants and denies them on that basis.

**B. Diversion Manufacturer Defendants**

**ANSWER TO PARAGRAPH 41:** Paragraph 41 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41 and denies them on that basis.

**ANSWER TO PARAGRAPH 42:** Paragraph 42 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42 and denies them on that basis.

**ANSWER TO PARAGRAPH 43:** Paragraph 43 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43 and denies them on that basis.

**C. Distributor Defendants**

**ANSWER TO PARAGRAPH 44:** Paragraph 44 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44 and denies them on that basis.

**ANSWER TO PARAGRAPH 45:** Paragraph 45 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45 and denies them on that basis.

**ANSWER TO PARAGRAPH 46:** Paragraph 46 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 46 and denies them on that basis.

**ANSWER TO PARAGRAPH 47:** Paragraph 47 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47 and denies them on that basis.

**ANSWER TO PARAGRAPH 48:** Paragraph 48 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48 and denies them on that basis.

**ANSWER TO PARAGRAPH 49:** Paragraph 49 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49 and denies them on that basis.

**ANSWER TO PARAGRAPH 50:** Paragraph 50 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50 and denies them on that basis.

**ANSWER TO PARAGRAPH 51:** Paragraph 51 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 51 and denies them on that basis.

**ANSWER TO PARAGRAPH 52:** Paragraph 52 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond,

Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52 and denies them on that basis.

**ANSWER TO PARAGRAPH 53:** Paragraph 53 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53 and denies them on that basis.

**ANSWER TO PARAGRAPH 54:** Paragraph 54 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 54 and denies them on that basis.

**ANSWER TO PARAGRAPH 55:** Paragraph 55 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55 and denies them on that basis.

**ANSWER TO PARAGRAPH 56:** Paragraph 56 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 56 and denies them on that basis.

**ANSWER TO PARAGRAPH 57:** Paragraph 57 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57 and denies them on that basis.

**ANSWER TO PARAGRAPH 58:** Paragraph 58 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58 and denies them on that basis.

**ANSWER TO PARAGRAPH 59:** Paragraph 59 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 59 and denies them on that basis.

**ANSWER TO PARAGRAPH 60:** Paragraph 60 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 60 and denies them on that basis.

**ANSWER TO PARAGRAPH 61:** Paragraph 61 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 61 and denies them on that basis.

**ANSWER TO PARAGRAPH 62:** Paragraph 62 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 62 and denies them on that basis.

**D. Pharmacy Defendants**

**ANSWER TO PARAGRAPH 63:** Paragraph 63 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 63 and denies them on that basis.

**ANSWER TO PARAGRAPH 64:** Paragraph 64 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 64 and denies them on that basis.

**ANSWER TO PARAGRAPH 65:** Paragraph 65 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 65 and denies them on that basis.

**ANSWER TO PARAGRAPH 66:** Paragraph 66 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 66 and denies them on that basis.

**ANSWER TO PARAGRAPH 67:** Paragraph 67 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 67 and denies them on that basis.

**ANSWER TO PARAGRAPH 68:** Paragraph 68 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 68 and denies them on that basis.

**ANSWER TO PARAGRAPH 69:** Paragraph 69 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 69 and denies them on that basis.

**ANSWER TO PARAGRAPH 70:** Paragraph 70 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 70 and denies them on that basis.

**ANSWER TO PARAGRAPH 71:** Paragraph 71 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 71 and denies them on that basis.

**ANSWER TO PARAGRAPH 72:** Paragraph 72 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 72 and denies them on that basis.

**ANSWER TO PARAGRAPH 73:** Paragraph 73 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond,



Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 73 and denies them on that basis.

**ANSWER TO PARAGRAPH 74:** Paragraph 74 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 74 and denies them on that basis.

**ANSWER TO PARAGRAPH 75:** Paragraph 75 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 75 and denies them on that basis.

**ANSWER TO PARAGRAPH 76:** Paragraph 76 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 76 and denies them on that basis.

**ANSWER TO PARAGRAPH 77:** Paragraph 77 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 77 and denies them on that basis.

**ANSWER TO PARAGRAPH 78:** Paragraph 78 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 78 and denies them on that basis.

**ANSWER TO PARAGRAPH 79:** Paragraph 79 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 79 and denies them on that basis.

**ANSWER TO PARAGRAPH 80:** Paragraph 80 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 80 and denies them on that basis.

**ANSWER TO PARAGRAPH 81:** Paragraph 81 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 81 and denies them on that basis.

**ANSWER TO PARAGRAPH 82:** Paragraph 82 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 82 and denies them on that basis.

**ANSWER TO PARAGRAPH 83:** Paragraph 83 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 83 and denies them on that basis.

**ANSWER TO PARAGRAPH 84:** Paragraph 84 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond,

Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 84 and denies them on that basis.

**ANSWER TO PARAGRAPH 85:** Paragraph 85 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 85 and denies them on that basis.

**ANSWER TO PARAGRAPH 86:** Paragraph 86 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 86 and denies them on that basis.

**ANSWER TO PARAGRAPH 87:** Paragraph 87 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 87 and denies them on that basis.

**ANSWER TO PARAGRAPH 88:** Paragraph 88 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 88 and denies them on that basis.

**ANSWER TO PARAGRAPH 89:** Paragraph 89 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 89 and denies them on that basis.

**ANSWER TO PARAGRAPH 90:** Paragraph 90 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 90 and denies them on that basis.

**ANSWER TO PARAGRAPH 91:** Paragraph 91 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 91 and denies them on that basis.

**ANSWER TO PARAGRAPH 92:** Paragraph 92 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 92 and denies them on that basis.

#### **JURISDICTION AND VENUE**

**ANSWER TO PARAGRAPH 93:** The allegations in Paragraph 93 of the Complaint contain legal conclusions or arguments that require no answer. Further, 28 U.S.C. §§ 1331, 1362 and 1367 speak for themselves, and no answer is necessary to Plaintiff's allegations characterizing those provisions.

**ANSWER TO PARAGRAPH 94:** The allegations in Paragraph 94 of the Complaint contain legal conclusions or arguments that require no answer.

**ANSWER TO PARAGRAPH 95:** The allegations in Paragraph 95 of the Complaint contain legal conclusions or arguments that require no answer.

**FACTUAL BACKGROUND**

**ANSWER TO PARAGRAPH 96:** Endo admits that prescription opioid medications can help manage pain when used as intended in appropriate patients and include natural, synthetic, and semi-synthetic opioids. Endo further admits that prescription opioid medications expose users to the risks of addiction, abuse, and misuse, which can lead to overdose and death. Paragraph 96 of the Complaint purports to characterize a writing which speaks for itself, and Endo denies Plaintiff's characterization of it. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 96 and denies them on that basis.

**ANSWER TO PARAGRAPH 97:** Endo admits that prescription opioid medications are regulated under federal and state laws. Paragraph 97 of the Complaint purports to characterize federal and state laws which speak for themselves, and Endo denies Plaintiff's characterization of them.

**ANSWER TO PARAGRAPH 98:** Endo denies the allegations in Paragraph 98 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 98 and denies them on that basis.

**ANSWER TO PARAGRAPH 99:** The allegations in Paragraph 99 of the Complaint and the heading preceding it contain legal conclusions or arguments that require no answer. To the extent that an answer is required, Endo admits that pharmaceutical companies should accurately disclose the risks of their prescription opioid medications. Paragraph 99 purports to characterize federal and Oklahoma law, which speak for themselves, and Endo denies Plaintiff's characterization of them.

**ANSWER TO PARAGRAPH 100:** The allegations in Paragraph 100 of the Complaint contain legal conclusions or arguments that require no answer. To the extent that an answer is required, Paragraph 100 purports to characterize federal statutes which speak for themselves, and Endo denies Plaintiff's characterization of them.

**ANSWER TO PARAGRAPH 101:** The allegations in Paragraph 101 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Paragraph 101 purports to characterize common law which speaks for itself, and Endo denies Plaintiff's characterization of it.

**ANSWER TO PARAGRAPH 102:** Endo denies the allegations in Paragraph 102 of the Complaint and the headings preceding it to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 102 and the headings preceding it to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 103:** Endo denies the allegations in Paragraph 103 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 103 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 104:** Endo denies the allegations in Paragraph 104 of the Complaint and the heading preceding it to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 104 and the heading preceding it and denies them on that basis.

**ANSWER TO PARAGRAPH 105:** Endo admits that it at times provided independent educational grant funding to the American Pain Foundation. Paragraph 105 of the Complaint purports to characterize various writings which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo denies the remaining allegations in Paragraph 105 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 105 and denies them on that basis.

**ANSWER TO PARAGRAPH 106:** Endo admits that it made available a pamphlet titled *Living With Someone With Chronic Pain*. The pamphlet speaks for itself, and Endo denies Plaintiff's characterization of it. Endo denies the remaining allegations in Paragraph 106 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 106 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 107:** Endo admits that it provided independent educational grant funding relating to development of the website painaction.com. Paragraph 107 of the Complaint purports to characterize websites which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo denies the remaining allegations in Paragraph 107 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 107 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 108:** Paragraph 108 of the Complaint purports to characterize a writing which speaks for itself, and Endo denies Plaintiff's characterization of it.

**ANSWER TO PARAGRAPH 109:** Endo denies the allegations in Paragraph 109 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 109 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 110:** Endo denies the allegations in Paragraph 110 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 110 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 111:** Paragraph 111 of the Complaint purports to characterize a CDC Guideline which speaks for itself, and Endo denies Plaintiff's characterization of it. Endo denies the remaining allegations in Paragraph 111.

**ANSWER TO PARAGRAPH 112:** Paragraph 112 of the Complaint purports to characterize a writing which speaks for itself, and Endo denies Plaintiff's characterization of it.

**ANSWER TO PARAGRAPH 113:** Paragraph 113 of the Complaint purports to characterize various writings which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo denies the allegations in Paragraph 113 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 113 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 114:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 114 of the Complaint and denies them on that basis.



**ANSWER TO PARAGRAPH 115:** Paragraph 115 of the Complaint purports to characterize a writing which speaks for itself, and Endo denies Plaintiff's characterization of it.

**ANSWER TO PARAGRAPH 116:** Endo denies the allegations in Paragraph 116 of the Complaint and the heading preceding it to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 116 and the heading preceding it to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 117:** Endo denies the allegations in Paragraph 117 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 117 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 118:** Paragraph 118 of the Complaint purports to characterize writings which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 118 and denies them on that basis.

**ANSWER TO PARAGRAPH 119:** Paragraph 119 of the Complaint purports to characterize a CDC Guideline which speaks for itself, and Endo denies Plaintiff's characterization of it. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 119 and denies them on that basis.

**ANSWER TO PARAGRAPH 120:** Endo denies the allegations in Paragraph 120 of the Complaint and the heading preceding it to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the

allegations in Paragraph 120 and the heading preceding it to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 121:** Paragraph 121 of the Complaint purports to characterize writings which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo denies the remaining allegations in Paragraph 121 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 121 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 122:** Paragraph 122 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 122 and denies them on that basis.

**ANSWER TO PARAGRAPH 123:** Endo admits that it made available at various times a pamphlet titled *Understanding Your Pain: Taking Oral Opioid Analgesics*. Paragraph 123 of the Complaint purports to characterize a pamphlet and website which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo denies the remaining allegations in Paragraph 123.

**ANSWER TO PARAGRAPH 124:** Endo denies the allegations in Paragraph 124 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 124 to the extent they refer to other defendants and denies them on that basis. Moreover, Paragraph 124 purports to characterize various writings which speak for themselves, and Endo denies Plaintiff's characterization of them.

**ANSWER TO PARAGRAPH 125:** Endo denies the allegations in Paragraph 125 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 125 and denies them on that basis.

**ANSWER TO PARAGRAPH 126:** Endo denies the allegations in Paragraph 126 of the Complaint and the heading preceding it to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 126 and the heading preceding it to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 127:** Endo denies the allegations in Paragraph 127 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 127 and denies them on that basis.

**ANSWER TO PARAGRAPH 128:** Endo admits that it made payments to Dr. Russell Portenoy in connection with honorarium and consulting fees. Paragraph 128 of the Complaint purports to characterize various writings which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 128 and denies them on that basis.

**ANSWER TO PARAGRAPH 129:** Endo denies the allegations in Paragraph 129 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 129 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 130:** Endo denies the allegations in Paragraph 130 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 130 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 131:** Paragraph 131 of the Complaint purports to characterize various writings which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo denies the allegations in Paragraph 131 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 131 and denies them on that basis.

**ANSWER TO PARAGRAPH 132:** Endo admits that it has, at times, provided independent educational grant funding to support educational programming for healthcare providers. Paragraph 132 of the Complaint purports to characterize various writings which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo denies the remaining allegations in Paragraph 132 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 132 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 133:** Paragraph 133 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 133 and denies them on that basis.

**ANSWER TO PARAGRAPH 134:** Endo admits that at times it promoted certain opioid medications through its sales representatives. Except as expressly admitted, Endo denies the allegations in Paragraph 134 of the Complaint to the extent they refer to Endo and its

purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 134 and denies them on that basis.

**ANSWER TO PARAGRAPH 135:** Endo denies the allegations in Paragraph 135 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 135 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 136:** Endo denies the allegations in Paragraph 136 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 136 and denies them on that basis.

**ANSWER TO PARAGRAPH 137:** Endo denies the allegations in Paragraph 137 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 137 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 138:** Endo denies the allegations in Paragraph 138 of the Complaint and the heading preceding it to the extent they refer to Endo and its purported conduct and denies that Endo engaged in deceptive, unfair, or false marketing of opioid medications. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 138 and the heading preceding it to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 139:** Paragraph 139 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to

respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 139 and denies them on that basis.

**ANSWER TO PARAGRAPH 140:** Paragraph 140 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 140 and denies them on that basis.

**ANSWER TO PARAGRAPH 141:** Paragraph 141 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 141 and denies them on that basis.

**ANSWER TO PARAGRAPH 142:** Endo admits that in March 2016, it executed an Assurance of Discontinuation (“AOD”) with the New York Attorney General. Paragraph 142 of the Complaint purports to characterize the AOD and Endo’s website which speak for themselves, and Endo denies Plaintiff’s characterization of them. Endo denies the remaining allegations in Paragraph 142.

**ANSWER TO PARAGRAPH 143:** Endo admits that it has made available to the public information about the steps it has taken to mitigate risks related to the sale of opioid medications. Endo denies that it created the opioid abuse crisis. The remaining allegations in Paragraph 143 of the Complaint, including subparts (a), (b), and (c), concern defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 143, including the allegations in subparts (a), (b), and (c), and denies them on that basis.

**ANSWER TO PARAGRAPH 144:** Endo denies the allegations in Paragraph 144 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 144 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 145:** Paragraph 145 of the Complaint purports to characterize a writing which speaks for itself, and Endo denies Plaintiff's characterization of it. Endo denies the remaining allegations in Paragraph 145.

**ANSWER TO PARAGRAPH 146:** Paragraph 146 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 146 and denies them on that basis.

**ANSWER TO PARAGRAPH 147:** Paragraph 147 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 147 and denies them on that basis.

**ANSWER TO PARAGRAPH 148:** Endo denies the allegations in Paragraph 148 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 148 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 149:** The allegations in Paragraph 149 of the Complaint and the heading preceding it contain legal conclusions and arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 149 and the heading

preceding it to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 149 and the heading preceding it to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 150:** The allegations in Paragraph 150 of the Complaint contain legal conclusions and arguments that require no answer. To the extent an answer is required, Endo acknowledges that there are laws that apply to manufacturers of opioid medications but denies Plaintiff's characterization of those laws and further denies the allegations in Paragraph 150 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 150 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 151:** Endo denies the allegations in Paragraph 151 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 151 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 152:** Endo denies the allegations in Paragraph 152 of the Complaint and the heading preceding it to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 152 and the heading preceding it to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 153:** The allegations in Paragraph 153 of the Complaint contain legal conclusions or arguments that require no answer. To the extent that an answer is required, Endo denies the allegations in Paragraph 153 to the extent they refer to Endo and its



purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 153 and denies them on that basis.

**ANSWER TO PARAGRAPH 154:** The allegations in Paragraph 154 of the Complaint contain legal conclusions or arguments that require no answer. To the extent that an answer is required, Endo denies the allegations in Paragraph 154 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 154 and denies them on that basis.

**ANSWER TO PARAGRAPH 155:** Endo denies the allegations in Paragraph 155 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 155 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 156:** The allegations in Paragraph 156 of the Complaint contain legal conclusions or arguments that require no answer. To the extent that an answer is required, Endo denies the allegations in Paragraph 156 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 156 and denies them on that basis.

**ANSWER TO PARAGRAPH 157:** Paragraph 157 of the Complaint and the heading preceding it concern defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 157 and the heading preceding it and denies them on that basis.

**ANSWER TO PARAGRAPH 158:** Paragraph 158 of the Complaint purports to characterize a writing which speaks for itself, and Endo denies Plaintiff's characterization of it. Endo denies the allegations in Paragraph 158 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 158 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 159:** Paragraph 159 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 159 and denies them on that basis.

**ANSWER TO PARAGRAPH 160:** Paragraph 160 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 160 and denies them on that basis.

**ANSWER TO PARAGRAPH 161:** Paragraph 161 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 161 and denies them on that basis.

**ANSWER TO PARAGRAPH 162:** Paragraph 162 of the Complaint and the heading preceding it concern defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 162 and the heading preceding it and denies them on that basis.

**ANSWER TO PARAGRAPH 163:** Paragraph 163 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 163 and denies them on that basis.

**ANSWER TO PARAGRAPH 164:** Paragraph 164 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 164 and denies them on that basis.

**ANSWER TO PARAGRAPH 165:** Paragraph 165 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 165 and denies them on that basis.

**ANSWER TO PARAGRAPH 166:** The allegations in Paragraph 166 of the Complaint and the headings preceding it contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies Plaintiff's characterization of the FCSA requirements.

**ANSWER TO PARAGRAPH 167:** Paragraph 167 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 167 and denies them on that basis.

**ANSWER TO PARAGRAPH 168:** Paragraph 168 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required

to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 168 and denies them on that basis.

**ANSWER TO PARAGRAPH 169:** Paragraph 169 of the Complaint purports to describe the collection and use of ARCOS data and the regulation governing collection of such data. The regulation cited in Paragraph 169 speaks for itself and requires no answer. To the extent an answer is required, Endo denies Plaintiff's characterization of the regulation. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 169 and denies them on that basis.

**ANSWER TO PARAGRAPH 170:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 170 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 171:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 171 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 172:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 172 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 173:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 173 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 174:** The allegations in Paragraph 174 of the Complaint contain legal conclusions and arguments that require no answer. To the extent an answer is

required, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 174 and denies them on that basis.

**ANSWER TO PARAGRAPH 175:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 175 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 176:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 176 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 177:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 177 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 178:** Paragraph 178 of the Complaint and the headings preceding it concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 178 and the headings preceding it and denies them on that basis.

**ANSWER TO PARAGRAPH 179:** The allegations in Paragraph 179 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Paragraph 179 purports to characterize Oklahoma law which speaks for itself, and Endo denies Plaintiff's characterization of it. Endo denies the allegations in Paragraph 179 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information

sufficient to form a belief as to the truth of the allegations in Paragraph 179 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 180:** The allegations in Paragraph 180 of the Complaint contain legal conclusions or arguments that require no answer. To the extent that an answer is required, Paragraph 180 purports to characterize an Oklahoma statute which speaks for itself, and Endo denies Plaintiff's characterization of it.

**ANSWER TO PARAGRAPH 181:** The allegations in Paragraph 181 of the Complaint contain legal conclusions or arguments that require no answer. To the extent that an answer is required, Paragraph 181 purports to characterize Oklahoma statutes and regulations which speak for themselves, and Endo denies Plaintiff's characterization of them.

**ANSWER TO PARAGRAPH 182:** The allegations in Paragraph 182 of the Complaint contain legal conclusions or arguments that require no answer. To the extent that an answer is required, Paragraph 182 purports to characterize an Oklahoma statute which speaks for itself, and Endo denies Plaintiff's characterization of it.

**ANSWER TO PARAGRAPH 183:** The allegations in Paragraph 183 of the Complaint contain legal conclusions or arguments that require no answer. To the extent that an answer is required, Paragraph 183 purports to characterize Oklahoma regulations which speak for themselves, and Endo denies Plaintiff's characterization of them.

**ANSWER TO PARAGRAPH 184:** The allegations in Paragraph 184 of the Complaint contain legal conclusions or arguments that require no answer. To the extent that an answer is required, Paragraph 184 purports to characterize Oklahoma regulations which speak for themselves, and Endo denies Plaintiff's characterization of them.

**ANSWER TO PARAGRAPH 185:** The allegations in Paragraph 185 of the Complaint contain legal conclusions or arguments that require no answer. To the extent that an answer is required, Paragraph 185 purports to characterize Oklahoma law which speaks for itself, and Endo denies Plaintiff's characterization of it.

**ANSWER TO PARAGRAPH 186:** The allegations in Paragraph 186 of the Complaint and the heading preceding it contain legal conclusions or arguments that require no answer. To the extent an answer is required, Paragraph 186 purports to characterize Oklahoma law which speaks for itself, and Endo denies Plaintiff's characterization of it.

**ANSWER TO PARAGRAPH 187:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 187 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 188:** Paragraph 188 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 188 and denies them on that basis.

**ANSWER TO PARAGRAPH 189:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 189 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 190:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 190 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 191:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 191 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 192:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 192 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 193:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 193 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 194:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 194 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 195:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 195 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 196:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 196 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 197:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 197 of the Complaint and denies them on that basis.



**ANSWER TO PARAGRAPH 198:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 198 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 199:** Paragraph 199 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 199 and denies them on that basis.

**ANSWER TO PARAGRAPH 200:** Paragraph 200 of the Complaint and the headings preceding it concern defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 200 and the headings preceding it and denies them on that basis.

**ANSWER TO PARAGRAPH 201:** Paragraph 201 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to answer, Paragraph 201 attempts to characterize purported guidance which speaks for itself, and Endo denies Plaintiff's characterization of it. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 201 and denies them on that basis.

**ANSWER TO PARAGRAPH 202:** Endo admits that it attended a meeting with DEA personnel in 2013 at which DEA provided feedback on suspicious order monitoring. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 202 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 203:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 203 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 204:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 204 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 205:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 205 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 206:** Paragraph 206 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 206 and denies them on that basis.

**ANSWER TO PARAGRAPH 207:** Paragraph 207 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 207 and denies them on that basis.

**ANSWER TO PARAGRAPH 208:** Paragraph 208 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 208 and denies them on that basis.

**ANSWER TO PARAGRAPH 209:** Paragraph 209 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 209 and denies them on that basis.

**ANSWER TO PARAGRAPH 210:** Paragraph 210 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 210 and denies them on that basis.

**ANSWER TO PARAGRAPH 211:** Paragraph 211 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 211 and denies them on that basis.

**ANSWER TO PARAGRAPH 212:** Paragraph 212 of the Complaint and the heading preceding it concern defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 212 and denies them on that basis.

**ANSWER TO PARAGRAPH 213:** Paragraph 213 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 213 and denies them on that basis.

**ANSWER TO PARAGRAPH 214:** Paragraph 214 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to

respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 214 and denies them on that basis.

**ANSWER TO PARAGRAPH 215:** Paragraph 215 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 215 and denies them on that basis.

**ANSWER TO PARAGRAPH 216:** Paragraph 216 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 216 and denies them on that basis.

**ANSWER TO PARAGRAPH 217:** Paragraph 217 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 217 and denies them on that basis.

**ANSWER TO PARAGRAPH 218:** Paragraph 218 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 218 and denies them on that basis.

**ANSWER TO PARAGRAPH 219:** Paragraph 219 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 219 and denies them on that basis.

**ANSWER TO PARAGRAPH 220:** Paragraph 220 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 220 and denies them on that basis.

**ANSWER TO PARAGRAPH 221:** Paragraph 221 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 221 and denies them on that basis.

**ANSWER TO PARAGRAPH 222:** Paragraph 222 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 222 and denies them on that basis.

**ANSWER TO PARAGRAPH 223:** Paragraph 223 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 223 and denies them on that basis.

**ANSWER TO PARAGRAPH 224:** Paragraph 224 of the Complaint and the heading preceding it concern defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 224 and the heading preceding it and denies them on that basis.

**ANSWER TO PARAGRAPH 225:** Paragraph 225 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 225 and denies them on that basis.

**ANSWER TO PARAGRAPH 226:** Paragraph 226 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 226 and denies them on that basis.

**ANSWER TO PARAGRAPH 227:** Paragraph 227 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 227 and denies them on that basis.

**ANSWER TO PARAGRAPH 228:** Paragraph 228 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 228 and denies them on that basis.

**ANSWER TO PARAGRAPH 229:** Paragraph 229 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 229 and denies them on that basis.

**ANSWER TO PARAGRAPH 230:** Paragraph 230 of the Complaint and the heading preceding it concern defendants other than Endo, so Endo is not required to respond. To the

extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 230 and the heading preceding it and denies them on that basis.

**ANSWER TO PARAGRAPH 231:** Paragraph 231 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 231 and denies them on that basis.

**ANSWER TO PARAGRAPH 232:** Paragraph 232 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 232 and denies them on that basis.

**ANSWER TO PARAGRAPH 233:** Paragraph 233 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 233 and denies them on that basis.

**ANSWER TO PARAGRAPH 234:** Paragraph 234 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 234 and denies them on that basis.

**ANSWER TO PARAGRAPH 235:** Paragraph 235 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required

to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 235 and denies them on that basis.

**ANSWER TO PARAGRAPH 236:** Paragraph 236 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 236 and denies them on that basis.

**ANSWER TO PARAGRAPH 237:** Paragraph 237 of the Complaint and the headings preceding it concern defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 237 and the headings preceding it and denies them on that basis.

**ANSWER TO PARAGRAPH 238:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 238 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 239:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 239 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 240:** Paragraph 240 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 240 and denies them on that basis.



**ANSWER TO PARAGRAPH 241:** Paragraph 241 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 241 and denies them on that basis.

**ANSWER TO PARAGRAPH 242:** Paragraph 242 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 242 and denies them on that basis.

**ANSWER TO PARAGRAPH 243:** Paragraph 243 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 243 and denies them on that basis.

**ANSWER TO PARAGRAPH 244:** Paragraph 244 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 244 and denies them on that basis.

**ANSWER TO PARAGRAPH 245:** Paragraph 245 of the Complaint and the heading preceding it concern defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 245 and the heading preceding it and denies them on that basis.

**ANSWER TO PARAGRAPH 246:** Paragraph 246 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 246 and denies them on that basis.

**ANSWER TO PARAGRAPH 247:** Paragraph 247 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 247 and denies them on that basis.

**ANSWER TO PARAGRAPH 248:** Paragraph 248 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 248 and denies them on that basis.

**ANSWER TO PARAGRAPH 249:** Paragraph 249 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 249 and denies them on that basis.

**ANSWER TO PARAGRAPH 250:** Paragraph 250 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 250 and denies them on that basis.

**ANSWER TO PARAGRAPH 251:** Paragraph 251 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to

respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 251 and denies them on that basis.

**ANSWER TO PARAGRAPH 252:** Paragraph 252 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 252 and denies them on that basis.

**ANSWER TO PARAGRAPH 253:** Paragraph 253 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 253 and denies them on that basis.

**ANSWER TO PARAGRAPH 254:** Paragraph 254 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 254 and denies them on that basis.

**ANSWER TO PARAGRAPH 255:** Paragraph 255 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 255 and denies them on that basis.

**ANSWER TO PARAGRAPH 256:** Paragraph 256 of the Complaint concerns a defendant other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 256 and denies them on that basis.

**ANSWER TO PARAGRAPH 257:** Paragraph 257 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 257 and denies them on that basis.

**ANSWER TO PARAGRAPH 258:** Paragraph 258 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 258 and denies them on that basis.

**ANSWER TO PARAGRAPH 259:** Paragraph 259 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 259 and denies them on that basis.

**ANSWER TO PARAGRAPH 260:** Paragraph 260 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 260 and denies them on that basis.

**ANSWER TO PARAGRAPH 261:** Paragraph 261 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 261 and denies them on that basis.

**ANSWER TO PARAGRAPH 262:** Paragraph 262 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required

to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 262 and denies them on that basis.

**ANSWER TO PARAGRAPH 263:** The allegations in Paragraph 263 of the Complaint and the heading preceding it contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in the heading to the extent they refer to Endo and its purported conduct, denies that Endo violated any legal duty, and denies Plaintiff's characterization of any such duties. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 263 and the heading preceding it to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 264:** Paragraph 264 of the Complaint purports to characterize writings which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo denies the remaining allegations in Paragraph 264 and the heading preceding it to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 264 and the heading preceding it to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 265:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 265 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 266:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 266 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 267:** Paragraph 267 of the Complaint purports to characterize various writings which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 267 and denies them on that basis.

**ANSWER TO PARAGRAPH 268:** The allegations in Paragraph 268 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 268 to the extent they refer to Endo and its purported conduct and denies that Endo engaged in deceptive and aggressive marketing. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 268 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 269:** The allegations in Paragraph 269 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 269 to the extent they refer to Endo and its purported conduct and denies that Endo engaged in deceptive, unfair and false marketing. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 269 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 270:** The allegations in Paragraph 270 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 270 to the extent they refer to Endo and its purported conduct and denies that Endo engaged in deceptive, unfair and false marketing. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 270 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 271:** The allegations in Paragraph 271 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 271 to the extent they refer to Endo and its purported conduct and denies that Endo engaged in deceptive, unfair and false marketing. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 271 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 272:** The allegations in Paragraph 272 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 272 to the extent they refer to Endo and its purported conduct, denies that Endo engaged in deceptive, unfair, and false marketing, and denies that Endo participated and cooperated in a common enterprise with the other manufacturer defendants. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 272 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 273:** The allegations in Paragraph 273 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 273 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 273 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 274:** Paragraph 274 of the Complaint and the heading preceding it concern defendants other than Endo, so Endo is not required to respond. To the

extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 274 and denies them on that basis.

**ANSWER TO PARAGRAPH 275:** Paragraph 275 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 275 and denies them on that basis.

**ANSWER TO PARAGRAPH 276:** Paragraph 276 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 276 and denies them on that basis.

**ANSWER TO PARAGRAPH 277:** Paragraph 277 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 277 and denies them on that basis.

**ANSWER TO PARAGRAPH 278:** Paragraph 278 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 278 and denies them on that basis.

**ANSWER TO PARAGRAPH 279:** Paragraph 279 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 279 and denies them on that basis.



**ANSWER TO PARAGRAPH 280:** Paragraph 280 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 280 and denies them on that basis.

**ANSWER TO PARAGRAPH 281:** Paragraph 281 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 281 and denies them on that basis.

**ANSWER TO PARAGRAPH 282:** Paragraph 282 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 282 and denies them on that basis.

**ANSWER TO PARAGRAPH 283:** Paragraph 283 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 283 and denies them on that basis.

**ANSWER TO PARAGRAPH 284:** Paragraph 284 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 284 and denies them on that basis.

**ANSWER TO PARAGRAPH 285:** Paragraph 285 of the Complaint and the heading preceding it concern defendants other than Endo, so Endo is not required to respond. To the

extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 285 and the heading preceding it and denies them on that basis.

**ANSWER TO PARAGRAPH 286:** Paragraph 286 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 286 and denies them on that basis.

**ANSWER TO PARAGRAPH 287:** Paragraph 287 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 287 and denies them on that basis.

**ANSWER TO PARAGRAPH 288:** Paragraph 288 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 288 and denies them on that basis.

**ANSWER TO PARAGRAPH 289:** Paragraph 289 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 289 and denies them on that basis.

**ANSWER TO PARAGRAPH 290:** Paragraph 290 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required

to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 290 and denies them on that basis.

**ANSWER TO PARAGRAPH 291:** Paragraph 291 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 291 and denies them on that basis.

**ANSWER TO PARAGRAPH 292:** Paragraph 292 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 292 and denies them on that basis.

**ANSWER TO PARAGRAPH 293:** Paragraph 293 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 293 and denies them on that basis.

**ANSWER TO PARAGRAPH 294:** Endo denies the allegations in Paragraph 294 of the Complaint and the heading preceding it to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 294 and the heading preceding it and denies them on that basis.

**ANSWER TO PARAGRAPH 295:** The allegations in Paragraph 295 of the Complaint and the heading preceding it contain legal conclusions or arguments that require no answer. To the extent that an answer is required, Endo denies the allegations in Paragraph 295 and the

heading preceding it to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 295 and the heading preceding it to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 296:** The allegations in Paragraph 296 of the Complaint and the headings preceding it contain legal conclusions or arguments that require no answer. To the extent that an answer is required, Endo denies the allegations in Paragraph 296 and the headings preceding it to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 296 and the headings preceding it to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 297:** The allegations in Paragraph 297 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 297 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 297 and denies them on that basis.

**ANSWER TO PARAGRAPH 298:** Endo denies the allegations of Paragraph 298 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 298 and denies them on that basis.

**ANSWER TO PARAGRAPH 299:** The allegations in Paragraph 299 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 299 to the extent they refer to Endo and its

purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 299 and denies them on that basis.

**ANSWER TO PARAGRAPH 300:** The allegations in Paragraph 300 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 300 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 300 and denies them on that basis.

**ANSWER TO PARAGRAPH 301:** The allegations in Paragraph 301 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 301 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 301 and denies them on that basis.

**ANSWER TO PARAGRAPH 302:** The allegations in Paragraph 302 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 302 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 302 and denies them on that basis.

**ANSWER TO PARAGRAPH 303:** Endo denies the allegations in Paragraph 303 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 303 and denies them on that basis.

**ANSWER TO PARAGRAPH 304:** The allegations in Paragraph 304 of the Complaint and the heading preceding it contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations of Paragraph 304 and the heading preceding it to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 304 and the heading preceding it and denies them on that basis.

**ANSWER TO PARAGRAPH 305:** The allegations in Paragraph 305 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Paragraph 305 purports to characterize a writing which speaks for itself and Endo denies Plaintiff's characterization of them. Endo further denies that it engaged in an "opioid marketing enterprise" and denies the remaining allegations of Paragraph 305 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 305 and denies them on that basis.

**ANSWER TO PARAGRAPH 306:** Paragraph 306 of the Complaint purports to characterize a writing which speaks for itself and Endo denies Plaintiff's characterization of it. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 306 and denies them on that basis.

**ANSWER TO PARAGRAPH 307:** Paragraph 307 of the Complaint purports to characterize a writing which speaks for itself and Endo denies Plaintiff's characterization of it. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 307 and denies them on that basis.

**ANSWER TO PARAGRAPH 308:** The allegations in Paragraph 308 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies that it engaged in an “opioid marketing enterprise” or that it sought to achieve a common purpose with other defendants. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 308 and denies them on that basis.

**ANSWER TO PARAGRAPH 309:** The allegations in Paragraph 309 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 309 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 309 and denies them on that basis.

**ANSWER TO PARAGRAPH 310:** The allegations in Paragraph 310 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 310 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 310 and denies them on that basis.

**ANSWER TO PARAGRAPH 311:** The allegations in Paragraph 311 of the Complaint and the subparts thereto contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 311, and all subparts thereto, to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 311, and all subparts thereto, to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 312:** The allegations in Paragraph 312 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 312 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 312 and denies them on that basis.

**ANSWER TO PARAGRAPH 313:** The allegations in Paragraph 313 of the Complaint and the subparts thereto contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 313, and all subparts thereto, to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 313, and all subparts thereto, and denies them on that basis.

**ANSWER TO PARAGRAPH 314:** The allegations in Paragraph 314 of the Complaint and the subparts thereto contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 314, and all subparts thereto, to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 314, and all subparts thereto, and denies them on that basis.

**ANSWER TO PARAGRAPH 315:** The allegations in Paragraph 315 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies that it engaged in a “scheme” or “common course of conduct” with other defendants and further denies the allegations in Paragraph 315 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 315 and denies them on that basis.



**ANSWER TO PARAGRAPH 316:** Endo denies the allegations in Paragraph 316 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 316 and denies them on that basis.

**ANSWER TO PARAGRAPH 317:** Endo denies the allegations of Paragraph 317 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 317 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 318:** Endo denies the allegations in Paragraph 318 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 318 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 319:** The allegations in Paragraph 319 of the Complaint and the heading preceding it contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 319 and the heading preceding it to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 319 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 320:** The allegations in Paragraph 320 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 320 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the

truth of the allegations in Paragraph 320 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 321:** The allegations in Paragraph 321 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 321 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 321 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 322:** The allegations in Paragraph 322 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 322 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 322 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 323:** The allegations in Paragraph 323 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 323 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 323 and denies them on that basis.

**ANSWER TO PARAGRAPH 324:** The allegations in Paragraph 324 of the Complaint and the subparts thereto contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 324, and all subparts thereto, to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or

information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 324, and all subparts thereto, and denies them on that basis.

**ANSWER TO PARAGRAPH 325:** The allegations in Paragraph 325 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 325 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 325 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 326:** The allegations in Paragraph 326 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 326 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 326 and denies them on that basis.

**ANSWER TO PARAGRAPH 327:** The allegations in Paragraph 327 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 327 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 327 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 328:** The allegations in Paragraph 328 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations of Paragraph 328 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the

truth of the allegations in Paragraph 328 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 329:** The allegations in Paragraph 329 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations of Paragraph 329 and the headings preceding it to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 329 and the headings preceding it and denies them on that basis.

**ANSWER TO PARAGRAPH 330:** Paragraph 330 of the Complaint purports to characterize testimony which speaks for itself, and Endo denies Plaintiff's characterization of it. Endo denies the remaining allegations in Paragraph 330 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 330 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 331:** The allegations in Paragraph 331 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo acknowledges that the FCSA and corresponding regulations impose certain obligations with respect to the manufacture and distribution of controlled substances but denies Plaintiff's characterization of those requirements. Endo denies the allegations in Paragraph 331 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 331 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 332:** The allegations in Paragraph 332 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 332 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 332 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 333:** The allegations in Paragraph 333 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 333 and the heading preceding it to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 333 and the heading preceding it to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 334:** The allegations in Paragraph 334 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 334 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 334 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 335:** The allegations in Paragraph 335 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Paragraph 335 purports to characterize laws which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo lacks knowledge or information sufficient to

form a belief as to the truth of the remaining allegations in Paragraph 335 and denies them on that basis.

**ANSWER TO PARAGRAPH 336:** The allegations in Paragraph 336 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 336 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 336 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 337:** The allegations in Paragraph 337 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 337 and the heading preceding it to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 337 and the heading preceding it to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 338:** The allegations in Paragraph 338 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 338 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 338 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 339:** The allegations in Paragraph 339 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 339 to the extent they refer to Endo and its

purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 339 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 340:** The allegations in Paragraph 340 of the Complaint and the subparts thereto contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 340, and all subparts thereto, to the extent they characterize as illegal any purported conduct by Endo. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 340, and all subparts thereto, and denies them on that basis.

**ANSWER TO PARAGRAPH 341:** The allegations in Paragraph 341 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 341 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 341 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 342:** The allegations in Paragraph 342 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 342 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 342 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 343:** Endo denies the allegations in Paragraph 343 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or

information sufficient to form a belief as to the truth of the allegations in Paragraph 343 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 344:** The allegations in Paragraph 344 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 344 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 344 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 345:** The allegations in Paragraph 345 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 345 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 345 and denies them on that basis.

**ANSWER TO PARAGRAPH 346:** The allegations in Paragraph 346 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 346 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 346 and denies them on that basis.

**ANSWER TO PARAGRAPH 347:** The allegations in Paragraph 347 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 347 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 347 and denies them on that basis.



**ANSWER TO PARAGRAPH 348:** The allegations in Paragraph 348 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Paragraph 348 purports to characterize a regulation which speaks for itself and Endo denies Plaintiff's characterization of it. Endo further denies the allegations in Paragraph 348 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 348 and denies them on that basis.

**ANSWER TO PARAGRAPH 349:** The allegations in Paragraph 349 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 349 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 349 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 350:** The allegations in Paragraph 350 of the Complaint and the heading preceding it contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 350 and the heading preceding it to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 350 and the heading preceding it and denies them on that basis.

**ANSWER TO PARAGRAPH 351:** The allegations in Paragraph 351 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 351 to the extent they refer to Endo and its

purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 351 and denies them on that basis.

**ANSWER TO PARAGRAPH 352:** The allegations in Paragraph 352 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 352 to the extent they refer to Endo and its purported conduct and denies that Plaintiff is entitled to any relief, including the relief requested in Paragraph 352, from Endo. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 352 and denies them on that basis.

**CLAIMS FOR RELIEF**

**COUNT I**

**VIOLATION OF RICO, 18 U.S.C. § 1961 et seq.**  
**OPIOID MARKETING ENTERPRISE**  
**(Against the Marketing Manufacturer Defendants)**

**ANSWER TO PARAGRAPH 353:** Endo restates its answer to every allegation set forth above as though fully set forth herein.

**ANSWER TO PARAGRAPH 354:** The allegations in Paragraph 354 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Paragraph 354 purports to characterize a federal statute which speaks for itself, and Endo denies Plaintiff's characterization of it.

**ANSWER TO PARAGRAPH 355:** The allegations in Paragraph 355 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 355.

**ANSWER TO PARAGRAPH 356:** The allegations in Paragraph 356 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is

required, Endo denies the allegations in Paragraph 356 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 356 and denies them on that basis.

**ANSWER TO PARAGRAPH 357:** The allegations in Paragraph 357 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 357 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 357 and denies them on that basis.

**ANSWER TO PARAGRAPH 358:** The allegations in Paragraph 358 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 358 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 358 and denies them on that basis.

**ANSWER TO PARAGRAPH 359:** The allegations in Paragraph 359 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Paragraph 359 purports to characterize laws which speak for themselves, and Endo denies Plaintiff's characterization of them and denies the allegations in Paragraph 359 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 359 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 360:** The allegations in Paragraph 360 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 360 to the extent they refer to Endo and its

purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 360 and denies them on that basis.

**ANSWER TO PARAGRAPH 361:** The allegations in Paragraph 361 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 361 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 361 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 362:** The allegations in Paragraph 362 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 362 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 362 and denies them on that basis.

**ANSWER TO PARAGRAPH 363:** The allegations in Paragraph 363 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 363 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 363 and denies them on that basis.

**ANSWER TO PARAGRAPH 364:** The allegations in Paragraph 364 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Paragraph 364 purports to characterize certain federal statutes which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo denies the allegations in Paragraph 364 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge

or information sufficient to form a belief as to the truth of the allegations in Paragraph 364 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 365:** The allegations in Paragraph 365 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 365 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 365 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 366:** The allegations in Paragraph 366 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 366 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 366 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 367:** The allegations in Paragraph 367 of the Complaint and the subparts thereto contain legal conclusions or arguments that require no answer. To the extent an answer is required, Paragraph 367 purports to characterize certain federal statutes which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo denies the allegations in Paragraph 367, and all subparts thereto, to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 367, and all subparts thereto, to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 368:** The allegations in Paragraph 368 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 368 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 368 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 369:** The allegations in Paragraph 369 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 369 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 369 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 370:** The allegations in Paragraph 370 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 370 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 370 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 371:** The allegations in Paragraph 371 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 371 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 371 and denies them on that basis.

**ANSWER TO PARAGRAPH 372:** The allegations in Paragraph 372 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 372 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 372 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 373:** The allegations in Paragraph 373 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 373 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 373 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 374:** The allegations in Paragraph 374 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 374 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 374 and denies them on that basis.

**ANSWER TO PARAGRAPH 375:** The allegations in Paragraph 375 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 375 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 375 and denies them on that basis.

**ANSWER TO PARAGRAPH 376:** The allegations in Paragraph 376 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 376 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 376 and denies them on that basis.

**ANSWER TO PARAGRAPH 377:** The allegations in Paragraph 377 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 377 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 377 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 378:** The allegations in Paragraph 378 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 378 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 378 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 379:** The allegations in Paragraph 379 of the Complaint contain legal conclusions or arguments that require no answer. To the extent that an answer is required, Endo denies that Plaintiff is entitled to any relief from Endo. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 379 and denies them on that basis.



**COUNT II**

**VIOLATION OF RICO, 18 U.S.C. § 1961 *et seq.***  
**OPIOID SUPPLY CHAIN ENTERPRISE**  
**(Against All Defendants)**

**ANSWER TO PARAGRAPH 380:** Endo restates its answer to every allegation set forth above as though fully set forth herein.

**ANSWER TO PARAGRAPH 381:** The allegations in Paragraph 381 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Paragraph 381 purports to characterize a federal statute which speaks for itself, and Endo denies Plaintiff's characterization of it.

**ANSWER TO PARAGRAPH 382:** The allegations in Paragraph 382 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 382.

**ANSWER TO PARAGRAPH 383:** The allegations in Paragraph 383 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 383 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 383 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 384:** The allegations in Paragraph 384 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo admits that it has, at times, been a member of the HDA. Except as expressly admitted, Endo denies the allegations in Paragraph 384 with respect to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the

allegations in Paragraph 384 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 385:** The allegations in Paragraph 385 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 385 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 385 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 386:** The allegations in Paragraph 386 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Paragraph 386 purports to characterize certain statutes which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo denies the allegations in Paragraph 386 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 386 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 387:** The allegations in Paragraph 387 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 387 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 387 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 388:** The allegations in Paragraph 388 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is

required, Paragraph 388 purports to characterize certain federal statutes which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo denies the allegations in Paragraph 388 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 388 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 389:** The allegations in Paragraph 389 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Paragraph 389 purports to characterize certain federal and state statutes which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo denies the allegations in Paragraph 389 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 389 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 390:** The allegations in Paragraph 390 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 390 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 390 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 391:** The allegations in Paragraph 391 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 391 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the

truth of the allegations in Paragraph 391 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 392:** The allegations in Paragraph 392 of the Complaint and the subparts thereto contain legal conclusions or arguments that require no answer. To the extent Endo is required to respond, Paragraph 392 purports to characterize certain federal and state statutes which speak for themselves, and Endo denies Plaintiff's characterization of them. Endo denies the allegations in Paragraph 392, including all subparts thereto, to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 392, and all subparts thereto, to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 393:** The allegations in Paragraph 393 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 393 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 393 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 394:** The allegations in Paragraph 394 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 394 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 394 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 395:** The allegations in Paragraph 395 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 395 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 395 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 396:** The allegations in Paragraph 396 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 396 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 396 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 397:** The allegations in Paragraph 397 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 397 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 397 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 398:** The allegations in Paragraph 398 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 398 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the

truth of the allegations in Paragraph 398 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 399:** The allegations in Paragraph 399 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 399 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 399 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 400:** The allegations in Paragraph 400 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 400 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 400 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 401:** The allegations in Paragraph 401 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 401 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 401 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 402:** The allegations in Paragraph 402 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 402 to the extent they refer to Endo and its

purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 402 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 403:** The allegations in Paragraph 403 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 403 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 403 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 404:** The allegations in Paragraph 404 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 404 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 404 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 405:** The allegations in Paragraph 405 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 405 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 405 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 406:** The allegations in Paragraph 406 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is

required, Endo denies the allegations in Paragraph 406 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 406 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 407:** The allegations in Paragraph 407 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 407 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 407 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 408:** The allegations in Paragraph 408 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies that Plaintiff is entitled to any relief from Endo. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 408 and denies them on that basis.

### **COUNT III<sup>1</sup>**

#### **LANHAM ACT (Against All Defendants)**

**ANSWER TO PARAGRAPH 409:** Endo restates its answer to every allegation set forth above as though fully set forth herein.

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<sup>1</sup> In its June 13, 2019 Order, this Court dismissed the Lanham Act (Count III) claim against all Defendants. Order at 2, *In re: National Prescription Opiate Litigation, Muscogee (Creek) Nation v. Purdue Pharma L.P.*, No. 1:18-op-45459 (N.D. Ohio June 13, 2019) (adopting in relevant part the Report and Recommendation of the Magistrate Judge of April 1, 2019, MDL No. 1-17-md-02804, Doc #1499).



**ANSWER TO PARAGRAPH 410:** The Court dismissed Count III of the Complaint and therefore no response is required.

**ANSWER TO PARAGRAPH 411:** The Court dismissed Count III of the Complaint and therefore no response is required.

**ANSWER TO PARAGRAPH 412:** The Court dismissed Count III of the Complaint and therefore no response is required.

**ANSWER TO PARAGRAPH 413:** The Court dismissed Count III of the Complaint and therefore no response is required.

**ANSWER TO PARAGRAPH 414:** The Court dismissed Count III of the Complaint and therefore no response is required.

**ANSWER TO PARAGRAPH 415:** The Court dismissed Count III of the Complaint and therefore no response is required.

**ANSWER TO PARAGRAPH 416:** The Court dismissed Count III of the Complaint and therefore no response is required.

**ANSWER TO PARAGRAPH 417:** The Court dismissed Count III of the Complaint and therefore no response is required.

**ANSWER TO PARAGRAPH 418:** The Court dismissed Count III of the Complaint and therefore no response is required.

**COUNT IV**

**NUISANCE**

**(Against Marketing Manufacturer Defendants)**

**ANSWER TO PARAGRAPH 419:** Endo restates its answer to every allegation set forth above as though fully set forth herein.

**ANSWER TO PARAGRAPH 420:** The allegations in Paragraph 420 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 420 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 420 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 421:** The allegations in Paragraph 421 of the Complaint and the subparts thereto contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 421, and all subparts thereto, to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 421, and all subparts thereto, to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 422:** The allegations in Paragraph 422 of the Complaint and the subparts thereto contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 422, and all subparts thereto, to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 422, and all subparts thereto, to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 423:** The allegations in Paragraph 423 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 423 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 423 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 424:** The allegations in Paragraph 424 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 424 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 424 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 425:** The allegations in Paragraph 425 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 425 to the extent they refer to Endo and its purported conduct and denies that Plaintiff has a viable public nuisance claim. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 425 and denies them on that basis.

**ANSWER TO PARAGRAPH 426:** Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 426 of the Complaint and denies them on that basis.

**ANSWER TO PARAGRAPH 427:** The allegations in Paragraph 427 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is

required, Endo denies the allegations in Paragraph 427 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 427 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 428:** The allegations in Paragraph 428 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 428 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 428 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 429:** The allegations in Paragraph 429 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 429 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 429 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 430:** The allegations in Paragraph 430 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 430 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 430 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 431:** The allegations in Paragraph 431 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 431 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 431 and denies them on that basis.

**ANSWER TO PARAGRAPH 432:** The allegations in Paragraph 432 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 432 and denies them on that basis.

**COUNT V**

**NEGLIGENCE AND NEGLIGENCE PER SE<sup>2</sup>  
(Against Marketing Manufacturer Defendants)**

**ANSWER TO PARAGRAPH 433:** Endo restates its answer to every allegation set forth above as though fully set forth herein.

**ANSWER TO PARAGRAPH 434:** The allegations in Paragraph 434 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies Plaintiff's characterization of what the law requires.

**ANSWER TO PARAGRAPH 435:** The allegations in Paragraph 435 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo admits that opioid medications should be marketed and sold in accordance with

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<sup>2</sup> In its June 13, 2019 Order, this Court dismissed Plaintiff's claims for negligence per se. Order at 25, *In re: National Prescription Opiate Litigation, Muscogee (Creek) Nation v. Purdue Pharma L.P.*, No. 1:18-op-45459 (N.D. Ohio June 13, 2019). Therefore, Plaintiff's claims in Court V that are based on negligence per se require no response.

applicable federal and state laws. Endo denies Plaintiff's characterization of what the law requires.

**ANSWER TO PARAGRAPH 436:** The allegations in Paragraph 436 of the Complaint and the subparts thereto contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 436, and all subparts thereto, to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 436, and all subparts thereto, to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 437:** The allegations in Paragraph 437 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo admits that prescription opioid medications should be marketed in accordance with applicable laws. Endo denies Plaintiff's characterization of what the law requires.

**ANSWER TO PARAGRAPH 438:** The allegations in Paragraph 438 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 438 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 438 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 439:** The allegations in Paragraph 439 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 439 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the

truth of the allegations in Paragraph 439 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 440:** The allegations in Paragraph 440 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 440 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 440 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 441:** The allegations in Paragraph 441 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 441 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 441 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 442:** The Court dismissed Plaintiff's negligence per se claims and therefore no response is required.

**ANSWER TO PARAGRAPH 443:** The allegations in Paragraph 443 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 443 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 443 and denies them on that basis.

**ANSWER TO PARAGRAPH 444:** The allegations in Paragraph 444 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 444 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 444 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 445:** The allegations in Paragraph 445 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies that Plaintiff is entitled to punitive damages, attorneys' fees and costs, or other relief from Endo, and denies the remaining allegations in Paragraph 445 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 445 to the extent they refer to other defendants and denies them on that basis.

## **COUNT VI**

### **UNJUST ENRICHMENT (Against Marketing Manufacturer Defendants)**

**ANSWER TO PARAGRAPH 446:** Endo restates its answer to every allegation set forth above as though fully set forth herein.

**ANSWER TO PARAGRAPH 447:** The allegations in Paragraph 447 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 447 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 447 and denies them on that basis.



**ANSWER TO PARAGRAPH 448:** Endo denies the allegations in Paragraph 448 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 448 to the extent they refer to other defendants and denies them on that basis

**ANSWER TO PARAGRAPH 449:** The allegations in Paragraph 449 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 449 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 449 and denies them on that basis.

**ANSWER TO PARAGRAPH 450:** The allegations in Paragraph 450 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 450 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 450 to the extent they refer to other defendants and denies them on that basis.

## **COUNT VII**

### **NUISANCE**

#### **(Against Diversion Defendants)**

**ANSWER TO PARAGRAPH 451:** Endo restates its answer to every allegation set forth above as though fully set forth herein.

**ANSWER TO PARAGRAPH 452:** Paragraph 452 of the Complaint and the subparts thereto concern defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as

to the truth of the allegations in Paragraph 452, and all subparts thereto, and denies them on that basis.

**ANSWER TO PARAGRAPH 453:** Paragraph 453 of the Complaint and the subparts thereto concern defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 453, and all subparts thereto, and denies them on that basis.

**ANSWER TO PARAGRAPH 454:** Paragraph 454 of the Complaint and the subparts thereto concern defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 454, and all subparts thereto, and denies them on that basis.

**ANSWER TO PARAGRAPH 455:** Paragraph 455 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 455 and denies them on that basis.

**ANSWER TO PARAGRAPH 456:** Paragraph 456 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 456 and denies them on that basis.

**ANSWER TO PARAGRAPH 457:** Paragraph 457 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required

to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 457 and denies them on that basis.

**ANSWER TO PARAGRAPH 458:** Paragraph 458 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 458 and denies them on that basis.

**ANSWER TO PARAGRAPH 459:** Paragraph 459 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 459 and denies them on that basis.

**ANSWER TO PARAGRAPH 460:** Paragraph 460 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 460 and denies them on that basis.

**ANSWER TO PARAGRAPH 461:** Paragraph 461 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 461 and denies them on that basis.

**ANSWER TO PARAGRAPH 462:** Paragraph 462 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 462 and denies them on that basis.

**ANSWER TO PARAGRAPH 463:** Paragraph 463 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 463 and denies them on that basis.

**ANSWER TO PARAGRAPH 464:** Paragraph 464 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 464 and denies them on that basis.

### **COUNT VIII**

#### **NEGLIGENCE AND NEGLIGENCE PER SE<sup>3</sup> (Against Diversion Defendants)**

**ANSWER TO PARAGRAPH 465:** Endo restates its answer to every allegation set forth above as though fully set forth herein.

**ANSWER TO PARAGRAPH 466:** Paragraph 466 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 466 and denies them on that basis.

**ANSWER TO PARAGRAPH 467:** Paragraph 467 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required

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<sup>3</sup> In its June 13, 2019 Order, this Court dismissed Plaintiff's claims for negligence per se. Order at 25, *In re: National Prescription Opiate Litigation, Muscogee (Creek) Nation v. Purdue Pharma L.P.*, No. 1:18-op-45459 (N.D. Ohio June 13, 2019). Therefore, Plaintiff's claims in Count VIII that are based on negligence per se require no response.

to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 467 and denies them on that basis.

**ANSWER TO PARAGRAPH 468:** Paragraph 468 of the Complaint and the subparts thereto concern defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 468, and all subparts thereto, and denies them on that basis.

**ANSWER TO PARAGRAPH 469:** Paragraph 469 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 469 and denies them on that basis.

**ANSWER TO PARAGRAPH 470:** Paragraph 470 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 470 and denies them on that basis.

**ANSWER TO PARAGRAPH 471:** Paragraph 471 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 471 and denies them on that basis.

**ANSWER TO PARAGRAPH 472:** Paragraph 472 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required

to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 472 and denies them on that basis.

**ANSWER TO PARAGRAPH 473:** Paragraph 473 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 473 and denies them on that basis.

**ANSWER TO PARAGRAPH 474:** Paragraph 474 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 474 and denies them on that basis.

**ANSWER TO PARAGRAPH 475:** Paragraph 475 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 475 and denies them on that basis.

**ANSWER TO PARAGRAPH 476:** Paragraph 476 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 476 and denies them on that basis.

**ANSWER TO PARAGRAPH 477:** Paragraph 477 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 477 and denies them on that basis.

**ANSWER TO PARAGRAPH 478:** Paragraph 478 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 478 and denies them on that basis.

**COUNT IX**

**UNJUST ENRICHMENT  
(Against Diversion Defendants)**

**ANSWER TO PARAGRAPH 479:** Endo restates its answer to every allegation set forth above as though fully set forth herein.

**ANSWER TO PARAGRAPH 480:** Paragraph 480 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 480 and denies them on that basis.

**ANSWER TO PARAGRAPH 481:** Paragraph 481 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 481 and denies them on that basis.

**ANSWER TO PARAGRAPH 482:** Paragraph 482 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 482 and denies them on that basis.

**ANSWER TO PARAGRAPH 483:** Paragraph 483 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required

to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 483 and denies them on that basis.

**ANSWER TO PARAGRAPH 484:** Paragraph 484 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 484 and denies them on that basis.

**COUNT X**

**CIVIL CONSPIRACY  
(Against All Defendants)**

**ANSWER TO PARAGRAPH 485:** Endo restates its answer to every allegation set forth above as though fully set forth herein.

**ANSWER TO PARAGRAPH 486:** Endo denies the allegations in Paragraph 486 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 486 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 487:** Paragraph 487 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 487 and denies them on that basis.

**ANSWER TO PARAGRAPH 488:** Endo denies the allegations in Paragraph 488 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 488 to the extent they refer to other defendants and denies them on that basis.



**ANSWER TO PARAGRAPH 489:** Paragraph 489 of the Complaint concerns defendants other than Endo, so Endo is not required to respond. To the extent Endo is required to respond, Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 489 and denies them on that basis.

**ANSWER TO PARAGRAPH 490:** Endo denies the allegations in Paragraph 490 of the Complaint to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 490 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 491:** The allegations in Paragraph 491 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies that it acted in agreement with other defendants for unlawful purposes and denies the allegations in Paragraph 491 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 491 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 492:** The allegations in Paragraph 492 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies that it engaged in “concerted action” with other defendants as alleged in Paragraph 492 and denies the remaining allegations in Paragraph 492 to the extent they refer to Endo and its purported conduct. Endo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 492 to the extent they refer to other defendants and denies them on that basis.

**ANSWER TO PARAGRAPH 493:** The allegations in Paragraph 493 of the Complaint contain legal conclusions or arguments that require no answer. To the extent an answer is required, Endo denies the allegations in Paragraph 493.

**PRAYER FOR RELIEF**

**ANSWER TO PRAYER FOR RELIEF:** Endo denies that Plaintiff is entitled to any damages or other relief, including the relief requested in subparts (a)(i)-(iii), (b)(i)-(iii), (d)(i)-(iii), (e)(i)-(iv), (f)(i)-(iii), and (j)(i)-(ii) of the Wherefore Clause, from Endo.

**AFFIRMATIVE DEFENSES**

Without assuming any burden of proof that it would not otherwise bear, Endo hereby asserts the following separate and additional affirmative defenses to the allegations and claims in the Complaint. All of the following defenses are pleaded in the alternative and none constitute an admission that Endo is in any way liable to Plaintiff, that Plaintiff has been or will be injured or damaged in any way, or that Plaintiff is entitled to any relief whatsoever.

Endo further incorporates by reference any defenses applicable to it that are asserted by any other Defendant as if fully set forth herein. Endo reserves the right to assert other defenses as this action proceeds or amend its Answer and hereby gives notice that it may further supplement the facts regarding its currently pleaded defenses, based on information that may become available or apparent during the discovery proceedings in this matter.

As a defense to the Complaint and each and every allegation contained therein, Endo asserts:

**FIRST AFFIRMATIVE DEFENSE  
(Failure To State A Claim)**

The Complaint fails to allege sufficient facts to state a claim upon which relief can be granted, and fails to plead a legally cognizable injury.

**SECOND AFFIRMATIVE DEFENSE**  
**(Failure To Plead With Requisite Particularity)**

Plaintiff has not pled fraud with the required particularity, including under Federal Rule of Civil Procedure 9(b).

**THIRD AFFIRMATIVE DEFENSE**  
**(Statute of Limitations and Laches)**

The claims are barred in whole or part by the applicable statute of limitations and/or the equitable doctrine of laches. Plaintiff's claims are based largely on alleged acts or omissions that occurred long before any applicable limitations period and thus are time-barred.

**FOURTH AFFIRMATIVE DEFENSE**  
**(Abrogation)**

Plaintiff's common law and public nuisance claims have been abrogated by the Oklahoma products liability statutes and public nuisance statutes.

**FIFTH AFFIRMATIVE DEFENSE**  
**(Lack of Privity)**

Endo did not sell or distribute products directly to Plaintiff. Plaintiff's claims are, therefore, barred by lack of privity between Plaintiff and Endo.

**SIXTH AFFIRMATIVE DEFENSE**  
**(Equitable Estoppel and/or Waiver)**

The doctrines of estoppel and/or waiver bar Plaintiff's claims. The imposition of injunctive relief and/or civil penalties would be inequitable, particularly in light of Endo's lawful and proper sale of opioid medications that are heavily regulated and include FDA-approved labeling.

**SEVENTH AFFIRMATIVE DEFENSE**  
**(Failure to Join Necessary or Indispensable Parties)**

Plaintiff has failed to join one or more necessary and indispensable parties, including without limitation healthcare providers, prescribers, patients, government agencies, and other

third parties who have engaged in, or failed to reasonably prevent, unauthorized or illicit prescribing, dispensing, diversion, or use of prescription opioid medications or illicit drugs.

**EIGHTH AFFIRMATIVE DEFENSE  
(Preemption)**

Plaintiff's claims are barred because they are preempted by federal law and regulation, including by the U.S. Food, Drug, and Cosmetic Act, the regulations promulgated pursuant thereto, and the Supremacy Clause of the United States Constitution. To the extent the Plaintiff's claims are based on alleged misrepresentations made to the U.S. Food and Drug Administration ("FDA"), such claims are barred pursuant to *Buckman Co. v. Plaintiff's Legal Committee*, 531 U.S. 341 (2001).

**NINTH AFFIRMATIVE DEFENSE  
(Preemption (Generics))**

Any claims pertaining to generic opioid medications are preempted. See *PLIVA, Inc. v. Mensing*, 564 U.S. 604 (2011); *Mutual Pharmaceuticals Co. v. Bartlett*, 570 U.S. 472 (2013).<sup>4</sup>

**TENTH AFFIRMATIVE DEFENSE  
(Lawful Activity)**

The opioid medications at issue were manufactured, distributed, and labeled in accordance with the provisions of federal law including the U.S. Food, Drug, and Cosmetic Act and the regulations promulgated pursuant thereto. Endo's conduct conformed with the U.S. Food, Drug, and Cosmetic Act, the requirements of the FDA, the Controlled Substances Act, and the requirements of the Drug Enforcement Agency. Moreover, the activities alleged

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<sup>4</sup> In its June 13, 2019 Order, this Court held that Plaintiff's claims concerning generic manufacturers' alleged failure to provide additional warnings or clarify representations by brand-name manufacturers were preempted. Order at 2, *In re: National Prescription Opiate Litigation, Muscogee (Creek) Nation v. Purdue Pharma L.P.*, No. 1:18-op-45459 (N.D. Ohio June 13, 2019) (adopting in relevant part Magistrate Report and Recommendation of April 1, 2019).

conformed with all state and federal statutes, regulations, and industry standards based upon the state of knowledge existing at the relevant time(s) alleged.

**ELEVENTH AFFIRMATIVE DEFENSE  
(Proper Labeling Subject to FDA Review and Approval)**

Statements in branded or unbranded materials comporting with FDA-approved uses are not misleading as a matter of law or otherwise actionable.

**TWELFTH AFFIRMATIVE DEFENSE  
(Primary Jurisdiction)**

Plaintiff's claims are barred and/or this Court should defer this matter to the FDA, in whole or in part, pursuant to the doctrine of primary jurisdiction.

**THIRTEENTH AFFIRMATIVE DEFENSE  
(Agency Deference)**

Plaintiff's claims are barred, in whole or in part, by the deference that common law gives to discretionary actions by the FDA under the FDCA.

**FOURTEENTH AFFIRMATIVE DEFENSE  
(Separation of Powers)**

Plaintiff's claims are barred or limited by the separation of powers doctrine.

**FIFTEENTH AFFIRMATIVE DEFENSE  
(Lack of Criminal Conviction)**

Plaintiff's alleged injury through criminal acts claims fails because there has been no relevant criminal conviction.

**SIXTEENTH AFFIRMATIVE DEFENSE  
(Truthful and Non-Misleading Statements)**

The representations or statements alleged to have been made were true and accurate at the time made and/or otherwise were made in good faith, with a reasonable belief as to their validity and accuracy and with a reasonable belief that all conduct was lawful.

**SEVENTEENTH AFFIRMATIVE DEFENSE  
(First Amendment and Related Doctrines)**

Plaintiff's claims are barred, in whole or in part, by applicable provisions of the United States Constitution and the Oklahoma Constitution, including but not limited to the First Amendment to the United States Constitution and Article II, § 22 of the Oklahoma Constitution, and applicable provisions of any other state whose laws may apply.

**EIGHTEENTH AFFIRMATIVE DEFENSE  
(Learned Intermediary Doctrine)**

Plaintiff's claims are barred by the learned intermediary doctrine. The products at issue are prescribed and dispensed by physicians and other healthcare providers and their agents who used their informed, independent medical judgment in making prescribing decisions for a given patient.

**NINETEENTH AFFIRMATIVE DEFENSE  
(Sophisticated User Doctrine)**

Plaintiff's claims are barred by the sophisticated user doctrine. Because of their training and experience, health care providers who prescribe opioid medications know or reasonably should know of the potential risks, and Endo had no duty to warn and cannot be held liable for failing to warn of risks and complications of which members of the relevant medical community knew or should have known.

**TWENTIETH AFFIRMATIVE DEFENSE  
(Informed Consent)**

The healthcare providers who prescribe FDA-approved opioid medications have a duty to provide patients with material information so they can make informed decisions about a proposed treatment, and Endo is entitled to rely on this duty—as well as healthcare providers' professional education, training and experience with respect to potential risks and complications associated with opioid medications. Because healthcare providers were provided with adequate

warnings, Endo is entitled to rely on healthcare providers' provision of information to patients.

Plaintiffs' claims thus are barred by patients' provision of informed consent.

**TWENTY-FIRST AFFIRMATIVE DEFENSE  
(Ratification and Voluntary Payment)**

Plaintiff's alleged loss, damage, injury, harm, or expense, if any, was caused in whole or in part by Plaintiff's ratification of any alleged misconduct, including under the voluntary payment doctrine.

**TWENTY-SECOND AFFIRMATIVE DEFENSE  
(Unclean Hands)**

Plaintiff is barred from recovering, in whole or in part, by the doctrine of unclean hands. Should discovery show that Plaintiff or its agents acted inequitably in responding to the alleged harms, such conduct should be taken into account in assessing Plaintiffs' claims and whether, and to what extent, they are entitled to relief in this action.

**TWENTY-THIRD AFFIRMATIVE DEFENSE  
(Assumption of the Risk, Contributory Negligence, and Open and Obvious Danger Doctrines)**

The claims set forth in the Complaint are barred, in whole or in part, by the doctrines of assumption of risk, contributory negligence, and open and obvious danger. Prescription opioid products have associated known risks that can be unavoidable even within the scope of prescribed and intended use, but are reasonable in comparison to the benefits conferred. The risks of opioid medications, and the alleged incurred costs and/or injuries purportedly caused by opioid medications, were known and disclosed to Plaintiffs, Plaintiff's contractors and agents, Oklahoma consumers, and prescribing healthcare providers for years.

**TWENTY-FOURTH AFFIRMATIVE DEFENSE  
(Failure to Monitor or Mitigate)**

Plaintiff has failed to take appropriate and necessary steps to mitigate any alleged damages. Among other things, it continued to permit use of, approve, or pay for opioid medications, either directly or through authorized third parties, without further inquiry into the necessity of the medication and, while aware of the risks of opioid medications, it failed to take adequate steps to monitor or limit any alleged wrongful prescribing, distribution, or use.

**TWENTY-FIFTH AFFIRMATIVE DEFENSE  
(State of the Art)**

Plaintiff may not recover because the methods, standards, or techniques of designing, manufacturing, labeling and distributing the prescription opioid medications at issue complied with and were in conformity with the generally recognized state of the art at the time the products were designed, manufactured, labeled, and distributed.

**TWENTY-SIXTH AFFIRMATIVE DEFENSE  
(Speculative and Remote Injuries)**

The alleged injuries asserted by Plaintiff are too speculative, derivative, and/or remote from the alleged wrongful conduct to be a basis for liability as a matter of law and due process.

**TWENTY-SEVENTH AFFIRMATIVE DEFENSE  
(Intervening and Superseding Causes)**

The alleged misconduct was not the but-for, proximate, or legal cause of purported injuries, harm, or damages and/or Plaintiff's injuries, if any, were the result of superseding and/or intervening causes, including but not limited to the criminal acts of third parties, over which Endo had no control. Moreover, the claims set forth in the Complaint are barred because the purported injuries, harm, or damages (if any) were caused, in whole or in part, by Plaintiff's own conduct, and/or that of its contractors or agents, which constitutes superseding and intervening cause(s).



**TWENTY-EIGHTH AFFIRMATIVE DEFENSE**  
**(No reliance)**

Neither the patients prescribed opioid medications nor their prescribers relied to their detriment upon any lawful statement in determining to use the medications at issue.

**TWENTY-NINTH AFFIRMATIVE DEFENSE**  
**(Opinion)**

To the extent Plaintiff seeks to impose liability for broad, general statements regarding the value or quality of products that were made to and reasonably understood by providers as opinion, such statements cannot constitute false representations as a matter of law.

**THIRTIETH AFFIRMATIVE DEFENSE**  
**(Medical Necessity)**

Plaintiff fails to plead and cannot establish that they incurred any costs, or that any alleged injury was caused as a result of, any opioid prescription promoted or sold by Endo and that was medically inappropriate or should not have been written, or that any allegedly improper conduct caused any health care provider to write any unnecessary, ineffective or harmful opioid prescriptions.

**THIRTY-FIRST AFFIRMATIVE DEFENSE**  
**(Standing)**

Plaintiff lacks standing to bring its claims and to obtain the relief it seeks, including its RICO claims.

**THIRTY-SECOND AFFIRMATIVE DEFENSE**  
**(Unique Reactions)**

Plaintiff's purported injuries, harm, or damages (if any), were the result of pre-existing conditions or idiosyncratic reactions to medications and/or occurred by operation of nature or as result of circumstances over which Endo had and continues to have no control.

**THIRTY-THIRD AFFIRMATIVE DEFENSE**  
**(Misuse of Products)**

Plaintiff's claims are barred, in whole or in part, by the alteration, modification, illicit and/or illegal use or misuse by third parties of the opioid medications at issue.

**THIRTY-FOURTH AFFIRMATIVE DEFENSE**  
**(Commerce and Dormant Commerce Clause)**

Plaintiff's claims are barred, in whole or in part, by the Commerce Clause of the United States Constitution.

**THIRTY-FIFTH AFFIRMATIVE DEFENSE**  
**(Due Process and Ex Post Facto)**

Plaintiff's claims are barred because they violate procedural and substantive due process rights under the Fourteenth Amendment to the U.S. Constitution and Article II, § 7 of the Oklahoma Constitution, and the right to be free from retroactive or ex post facto laws as guaranteed by Article I, § 10 of the United States Constitution and Article II, § 15 of the Oklahoma Constitution.

**THIRTY-SIXTH AFFIRMATIVE DEFENSE**  
**(Improper Financial Arrangement)**

Endo's rights to fair process (including under the Due Process Clause of the U.S. Constitution and Article II, § 7 of the Oklahoma Constitution) are violated by any financial or other arrangement that might distort a government attorney's duty to pursue justice rather than his or her personal interests, financial or otherwise, in the context of a civil enforcement proceeding, including by any use by Plaintiff of a private contingency fee counsel in this action.

**THIRTY-SEVENTH AFFIRMATIVE DEFENSE**  
**(Municipal Services Doctrine)**

Plaintiff's claims are barred, in whole or part, by the free public services doctrine and/or municipal cost recovery rule. Plaintiff is not entitled to recover governmental expenditures as a matter of law.

**THIRTY-EIGHTH AFFIRMATIVE DEFENSE**  
**(Economic Loss Doctrine)**

Plaintiff's claims are barred or limited by the economic loss rule.

**THIRTY-NINTH AFFIRMATIVE DEFENSE**  
**(No Benefit from Plaintiff)**

Plaintiff's claim for unjust enrichment is barred or limited because Endo did not receive and retain any alleged benefit from Plaintiff.

**FORTIETH AFFIRMATIVE DEFENSE**  
**(Subrogation)**

Plaintiff has failed to comply with the requirement that it identify each patient in whose claim(s) it has a subrogation interest.

**FORTY-FIRST AFFIRMATIVE DEFENSE**  
**(Double Recovery)**

Plaintiff's claims are barred, in whole or in part, to the extent they seek to recover any damages, restitution, costs, or other payments that have been reimbursed, paid, or borne by other persons or entities. Any verdict of judgment that might be recovered must be reduced by those amounts that already have been or will in the future, with reasonable certainty, be paid to Plaintiff by others or indemnify Plaintiff.

**FORTY-SECOND AFFIRMATIVE DEFENSE**  
**(Set-off)**

Endo is entitled to a credit, set-off, or offset for all sums of money received or available from or on behalf of any tortfeasor(s) for the same injuries alleged in Plaintiff's

Complaint, including but not limited to any and all settlements Plaintiff may reach with any tortfeasor(s).

**FORTY-THIRD AFFIRMATIVE DEFENSE**  
**(Comparative Fault)**

To the extent that Plaintiff's alleged injuries, harm, and/or damages were proximately caused or contributed to by Plaintiff's own conduct or the conduct of others, Endo is entitled to an individual assessment of fault for each party alleged to have caused any injury, harm, or damage to Plaintiff. *See* Okla. Stat. tit. 23, § 13.

**FORTY-FOURTH AFFIRMATIVE DEFENSE**  
**(Several Liability and Allocation)**

Endo's alleged liability, if any, must be limited in accordance with the percentage of fault allocated to it by the ultimate trier of fact and/or law. Each defendant may only be severally liable for any injuries or expenses. Plaintiff's alleged damages are not indivisible but comprise separate and discrete costs.

**FORTY-FIFTH AFFIRMATIVE DEFENSE**  
**(Severance of Parties)**

The claims asserted against Endo and other Defendants do not arise out of the same transaction, occurrence, or series of transactions or occurrences as required by Fed. R. Civ. P. 20 for joinder of parties. Plaintiff fails to connect any of the alleged marketing activities of Endo to those of other Defendants. Accordingly, the Court should sever or dismiss Plaintiff's claims against Endo pursuant to Fed. R. Civ. P. 20 and 21.

**FORTY-SIXTH AFFIRMATIVE DEFENSE**  
**(Failure of Exemplary Damages / Excessive Fines Violation)**

Plaintiff's claims for punitive damages, statutory damages, civil penalties, and other relief are prohibited under the Fifth, Eighth, and Fourteenth Amendments of the United States

Constitution, and Article II, §§ 7 and 9 of the Oklahoma Constitution. Plaintiff's claims for punitive damages, statutory damages, civil penalties, and other relief:

- a. have no basis in law or fact;
- b. are not recoverable because the Complaint's allegations are legally insufficient to support or allow the imposition of punitive damages, statutory damages, civil penalties, or other relief against Endo consistent with the United States Constitution or the Oklahoma Constitution or Oklahoma Law;
- c. cannot be sustained because the laws setting forth the standard(s) for determining liability for, and the amount(s) of, punitive damages, statutory damages, civil penalties, or other relief fail to give Endo prior notice of the conduct for which punitive damages, civil penalties, or other relief may be imposed and the severity of the penalty that may be imposed, and are void for vagueness in violation of Endo's due process rights guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution and by Article II, § 7 of the Oklahoma Constitution;
- d. cannot be sustained because any award of punitive damages, statutory damages, civil penalties, or other relief exceeding the limits authorized by law would violate Endo's due process and equal protection rights guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution and by Article II, § 7 of the Oklahoma Constitution and would be improper under the laws or common law of Oklahoma;
- e. cannot be sustained because an award of punitive damages, statutory damages, civil penalties, or other relief in this case, combined with any prior,

contemporaneous, or subsequent judgments against Endo for punitive damages, civil penalties, or other relief arising from the distribution, supply, marketing, sale, promotion, or use of Endo's products would constitute constitutionally impermissible multiple punishments for the same wrong and double jeopardy under the Fifth Amendment to the United States Constitution and by Article II, § 21 of the Oklahoma Constitution;

- f. cannot be sustained because any award of punitive damages, statutory damages, civil penalties, or other relief without the apportionment of the award separately and severally between or among the alleged joint tortfeasors, as determined by the percentage of the wrong(s) allegedly committed by each tortfeasor, would violate Endo's due process and equal protection rights guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution and by Article II, § 7 of the Oklahoma Constitution; and
- g. cannot be sustained because subjecting Endo to punitive damages, statutory damages, civil penalties, or other relief that is penal in nature without the same protections accorded to criminal defendants would violate Endo's rights guaranteed by, *inter alia*, the Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and by Article II, §§ 7, 19, 20, and 21 of the Oklahoma Constitution.

**FORTY-SEVENTH AFFIRMATIVE DEFENSE  
(Failure of Restitution or Rescission)**

Plaintiff is not entitled to any relief in the form of restitution or rescission because it cannot restore the *status quo ante*.

**FORTY-EIGHTH AFFIRMATIVE DEFENSE**  
**(Capped Damages)**

The damages to which Plaintiff may be entitled to recover if liability is established (which liability is specifically denied) are capped.

**FORTY-NINTH AFFIRMATIVE DEFENSE**  
**(Adequate Remedy at Law)**

To the extent Plaintiff attempts to seek equitable relief, Plaintiff is not entitled to such relief because it has an adequate remedy at law and cannot otherwise satisfy the elements for equitable relief.

**FIFTIETH AFFIRMATIVE DEFENSE**  
**(No Attorney's Fees)**

Plaintiff is barred from recovery of attorney's fees under any applicable provisions of law.

**FIFTY-FIRST AFFIRMATIVE DEFENSE**  
**(No Public Right)**

Plaintiff's public nuisance claims are barred or limited because, among other reasons, (i) no action of Endo involved interference with real property; (ii) illegal conduct perpetrated by third-parties involving the use of a legal product does not involve a public right against a manufacturer sufficient to state a claim for public nuisance; (iii) the alleged public nuisance would have impermissible extraterritorial reach; and (iv) Endo's alleged wrongful conduct is too remote from the alleged "public" injury as a matter of law and due process.

**FIFTY-SECOND AFFIRMATIVE DEFENSE**  
**(Unconstitutionally Vague)**

The Oklahoma public nuisance statute is unconstitutionally vague.

**FIFTY-THIRD AFFIRMATIVE DEFENSE**  
**(Federally-Funded Healthcare Costs)**

To the extent Plaintiff seeks to recover federally-funded healthcare costs provided either directly from the Indian Health Service (IHS), or under “self-determination” compacts or contracts under the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. § 5301 et seq., such recovery is barred by the Indian Health Care Improvement Act (IHCIA), 25 U.S.C. § 1601 et seq., and Federal Medical Care Recovery Act (MCRA), 42 U.S.C. § 2641 et seq.

**FIFTY-FOURTH AFFIRMATIVE DEFENSE**  
**(Other Affirmative Defenses)**

Endo incorporates by reference and adopts all the Affirmative Defenses that have been or are subsequently asserted by any other Defendant to the extent such defense would also be applicable to Plaintiff’s claims against Endo.

**FIFTY-FIFTH AFFIRMATIVE DEFENSE**  
**(Right to Supplement)**

Endo reserves the right to supplement and/or modify its responses and defenses asserted herein.

**ENDO’S PRAYER FOR RELIEF**

**WHEREFORE**, Defendants Endo Health Solutions Inc. and Endo Pharmaceuticals Inc. respectfully request that:

- (a) The Complaint be dismissed with prejudice;
- (b) Plaintiff’s claims for injunctive and equitable relief, damages, and all other relief be denied;
- (c) They be awarded their costs and expenses incurred herein, including reasonable attorneys’ fees;



(d) A trial by jury on all issues so triable; and

(e) All other relief to which they may appear to be entitled.

*Respectfully submitted,*

Dated: July 26, 2019

/s/ Sean O. Morris

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*Attorneys for Endo Health Solutions Inc. and  
Endo Pharmaceuticals Inc.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 26th day of July, 2019, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF System. The foregoing will be served on counsel of record.

/s/ Sean O. Morris  
Sean O. Morris  
*Attorney for Endo Health Solutions Inc. and  
Endo Pharmaceuticals Inc.*